

PATENT COOPERATION TREATY

REC'D 30 SEP 2005

PCT

WIPO

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 16284-WO-03	FOR FURTHER ACTION		See Form PCT/IPEA/416																								
International application No. PCT/IL04/00497	International filing date (day/month/year) 10 June 2004 (10.06.2004)	Priority date (day/month/year) 10 June 2003 (10.06.2003)																									
International Patent Classification (IPC) or national classification and IPC IPC(7): A61B 17/34 and US Cl.: 606/186																											
Applicant HAWK MEDICAL TECHNOLOGIES LTD.																											
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>1</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																											
<p>4. This report contains indications relating to the following items:</p> <table> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </tbody> </table>				<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																									
<input type="checkbox"/>	Box No. II	Priority																									
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																									
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																									
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																									
<input type="checkbox"/>	Box No. VI	Certain documents cited																									
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																									
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application																									
Date of submission of the demand 21 March 2005 (21.03.2005)	Date of completion of this report 21 June 2005 (21.06.2005)																										
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Sarah K Webb  Telephone No. (571) 272-4706																										

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/IL04/00497

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- international search (under Rules 12.3 and 23.1(b))
- publication of the international application (under Rule 12.4)
- international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- the international application as originally filed/furnished
- the description:
pages 1-11 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- the claims:
pages 12 and 13 as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* NONE received by this Authority on _____
pages* 14 received by this Authority on 21 March 2005 (21.03.2005) _____
- the drawings:
pages 1-4 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, Nos. 12 and 13 _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to the sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to the sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/IL04/00497**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims <u>1-11</u>	YES
	Claims <u>none</u>	NO
Inventive Step (IS)	Claims <u>1-9</u>	YES
	Claims <u>10,11</u>	NO
Industrial Applicability (IA)	Claims <u>1-11</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)

Claims 10 and 11 lack an inventive step under PCT Article 33(3) as being obvious over US Patent No. 4,588,400 to Ring et al. Ring discloses an absorbent pad containing saline (column 7, line 13) and antibiotic agents (column 8, lines 40-50). The pad is capable of absorbing tattoo ink. Though Ring does not explicitly state that the pad absorbs 5 grams of moisture per 10 cm² in 20 minutes, Ring teaches that the absorbency of the pad can be altered in many different ways in order to provide various absorbing capabilities (see entire document).

Claims 1-9 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a method of removing tattoo ink from skin by puncturing the pigmented skin with a needle and absorbing the ink with a pad containing saline.

Claims 1-11 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry for the purpose of removing tattoo ink from the skin of a person.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/IL04/00497

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 1 is objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claim 1 is indefinite for the following reason(s): Claim 1 states that the step of injecting a solution is optional in line 7. It is unclear where this step should be included or excluded from the claimed method.

Claims 2 and 11 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims 2 and 11 are indefinite for the following reason(s): the term "and/or" renders the claim indefinite because it is unclear which substances should be included in the claimed invention.

BEST AVAILABLE COPY**PCT/IL 04/00497
IPENUS 21 MAR 2005**

- 14 -

10. An adsorbent pad suitable to absorb moisture from an aqueous mixture of tattoo ink; wherein the amount of absorbent material in said pad is such that it draws up no more than about five grams of said moisture per ten cm² of area of said pad in a period of no more than twenty minutes.

5

11. An adsorbent pad as claimed in claim 10, further comprising one or more antiseptic and/or antibiotic materials.

10

AMENDED SHEET